

UNITED STATES DISTRICT COURT

for the

Eastern District of Michigan

United States of America

v.

Cesar Augusto GARCIA-ZECENA aka: Cesar
Agusto GARCIA-CESENA

Case No.

Case: 2:23-mj-30128

Assigned To : Unassigned

Assign. Date : 3/30/2023

CMP USA V GARCIA-ZECENA (LH)

CRIMINAL COMPLAINT

I, the complainant in this case, state that the following is true to the best of my knowledge and belief.

On or about the date(s) of March 21, 2023 in the county of Washtenaw in the
Eastern District of Michigan, the defendant(s) violated:*Code Section**Offense Description*

Title 8, United States Code, Section 1326(a)

Unlawful Entry Following Removal From the United States

This criminal complaint is based on these facts:

On or about March 21, 2023, in the Eastern District of Michigan, Southern Division, Cesar Augusto GARCIA-ZECENA, a/k/a Cesar Agusto GARCIA-CESENA, an alien from Guatemala, was found in the United States after having been denied admission, excluded, deported, and removed therefrom on or about October 1, 2012, from Harlingen, Texas and not having obtained the express consent of the Attorney General of the United States or the Secretary of Homeland Security to re-apply for admission thereto; in violation of Title 8, United States Code, Section 1326(a).

☒ Continued on the attached sheet.*Complainant's signature*

Trevor Brooks, Deportation Officer, DHS

*Printed name and title*Sworn to before me and signed in my presence
and/or by reliable electronic means.Date: March 30, 2023City and state: Detroit, MI*Judge's signature*

Anthony P. Patti, United States Magistrate Judge

Printed name and title

I, Trevor Brooks being duly sworn, do hereby state:

1. I am a Deportation Officer with the United States Department of Homeland Security, United States Immigration and Customs Enforcement (ICE). I have been employed in this capacity since January 2007. Currently, I am assigned to the Fugitive Operations Program. The facts set forth herein are based upon my personal knowledge as well as information provided by other law enforcement officers to include Immigration and Customs Enforcement Officers and record checks of law enforcement databases. I have also reviewed the Alien Registration File and system automated data relating to Cesar Augusto GARCIA-ZECENA aka: Cesar Augusto GARCIA-CESENA, which reveals the following:
2. GARCIA-ZECENA is a thirty-two-year-old male, native and citizen of Guatemala, who last entered the United States at or near an unknown place, on or about an unknown date without begin admitted, inspected, or paroled by an immigration officer.
3. On or about June 30, 2007, the United States Border Patrol (USBP) encountered GARCIA-ZECENA unlawfully present in the United States at or near Roma, Texas. USBP served GARCIA-ZECENA with a Notice to Appear, Form I-862.
4. On or about October 04, 2007, an Immigration Judge in Chicago, Illinois granted GARCIA-ZECENA voluntary departure to Guatemala before November 05, 2007. On October 30, 2007, GARCIA-ZECENA complied with the order and departed the U.S. from Miami, FL to Guatemala.
5. On or about May 17, 2012, the United States Border Patrol (USBP) encountered GARCIA-ZECENA unlawfully present in the United States at or near Douglas, Arizona. USBP served GARCIA-ZECENA with a Notice and Order of Expedited Removal, Form I-860. On May 28, 2012, Immigration and Customs Enforcement (ICE) removed GARCIA-ZECENA from Mesa, Arizona to Guatemala, as documented on Notice to Alien Ordered Removed/Departure Verification, Form I-296.
6. On or about September 07, 2012, the United States Border Patrol (USBP) encountered GARCIA-ZECENA unlawfully present in the United States at or near Hidalgo, Texas. On September 08, 2012, USBP served

GARCIA-ZECENA with a Notice of Intent/Decision to Reinstate Prior Order, Form I-871.

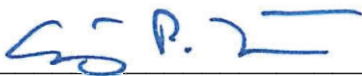
7. On or about October 01, 2012, Immigration and Customs Enforcement (ICE) removed GARCIA-ZECENA from Harlingen, Texas to Guatemala, as documented on Warrant of Removal, Form I-205.
8. On or about February 01, 2022, the Washtenaw County Sheriff's Office arrested GARCIA-ZECENA for CSC-4th-degree-forcible contact. On or about January 25, 2023, the 22nd Circuit Court, Ann Arbor, Michigan convicted GARCIA-ZECENA of assault with a dangerous weapon and sentenced him to two years' probation.
9. On or about March 21, 2023, GARCIA-ZECENA was encountered unlawfully present in the United States and arrested by Immigration and Customs Enforcement (ICE) officers in Ypsilanti, Michigan.
10. GARCIA-ZECENA's fingerprints and photograph were captured and entered into the Automated Biometric Identification System (IDENT) and the Integrated Automated Fingerprint Identification System (IAFIS). The results revealed that GARCIA-ZECENA is a citizen of Guatemala who has been previously removed from the United States. Record checks revealed that GARCIA-ZECENA did not legally enter the United States after his removal, and he had not been issued any immigration documentation to allow him to enter or remain the United States. GARCIA-ZECENA was then served with a Reinstatement of a Prior Order of Removal, Form I-871.
11. The aforementioned arrest and subsequent detention was an administrative, non-criminal action made pursuant to the authority found in sections 1357, 1225, 1226, and/or 1231 of Title 8, United States Code to arrest and detain any alien entering or attempting to enter the United States, or any alien present in the United States, who is reasonably believed to be in violation of any law or regulation regulating the admission, exclusion, expulsion, or removal of aliens.

12. Review of records from the Alien File (A# XXX XXX 190) for GARCIA-ZECENA and queries in Department of Homeland Security databases confirm that no record exists of GARCIA-ZECENA obtaining permission from the Attorney General or the Secretary of the Department of Homeland Security to re-apply for admission to the United States following his removal on October 01, 2012.
13. Based on the above information, I believe there is probable cause to conclude that GARCIA-ZECENA is an alien who was found in the United States after removal, without the express permission from the Attorney General of the United States or from the Secretary of the Department of Homeland Security to re-apply for admission into the United States in violation of Title 8, United States Code, Section 1326(a).



Trevor Brooks, Deportation Officer
United States Department of Homeland Security
Immigration and Customs Enforcement

Sworn to before me and signed in my
presence and/or by reliable electronic means.



Honorable Anthony P. Patti
United States Magistrate Judge
March 30, 2023